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07 JUN 22 AM 8:28

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCO ANTONIO ANDRADE,

Defendant.

Mag. Case No.

**07 MJ 1451**

COMPLAINT FOR VIOLATION OF

Title 21, U.S.C., Section 952, 960 -  
Importation of Cocaine

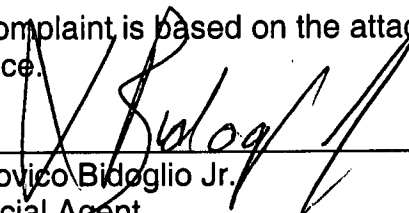
Title 18, U.S.C., Section 111  
Assault on a Federal Officer

The undersigned complainant being duly sworn states:

On or about June 21, 2007, within the Southern District of California, defendant Marco Antonio Andrade did knowingly and intentionally import approximately 5 kilograms or more of cocaine, a Schedule II controlled substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 962, 960.

Further, on or about June 21, 2007, within the Southern District of California, defendant Marco Antonio Andrade did knowingly and intentionally and forcibly assault, resist, oppose, impede, and interfere with a person in Title 18, United States Code, Section 1114, to wit, United States Immigration and Customs Enforcement Special Agent Ludovico Bidoglio, John Todd, and Carlos Fuentes, while they were engaged in their official duties, in violation of Title 18, United States Code, Section 111.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Ludovico Bidoglio Jr.  
Special Agent  
U.S. Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21<sup>st</sup> DAY OF  
JUNE 2007

  
C. SPARAS  
MAGISTRATE JUDGE

### **STATEMENT OF FACTS**

On June 21, 2007, Marco ANDRADE Jr. entered the United States at the San Ysidro, California Port of Entry (POE). ANDRADE was the driver and sole passenger of a 1999 Chevrolet pickup bearing license BAMX/BM85420.

At approximately 10:50 a.m., U.S. Customs and Border (CBP) Officer G. Rios, who was performing primary inspections at the San Ysidro, CA Port of Entry when a black 1999 Chevrolet Silverado bearing license BAMX/ BM85420 approached his primary inspection booth. Officer RIOS made contact with the driver and sole occupant of the Chevrolet Silverado, Marco ANDRADE Jr., who presented his United States Passport and made two (2) negative Customs declarations.

ARANDA told Officer Rios that he was going to Chula Vista, CA. Officer Rios quieried ANDRADE's name and saw that ANDRADE had a been stopped for the smuggling of narcotics. Based on this information, Officer Rios escorted ANDRADE and the vehicle to the secondary inspection area for further inspection.

At approximately 12:30 p.m., CBP Canine Enforcement Officer (CEO) Jose Rocha and his Narcotic Detector Dog (NDD) "Cuervo" (CE-48) was requested to screen the black 1999 Chevrolet Silverado bearing license BAMX/ BM85420. On his initial pass, "Cuervo" alerted to the odor of narcotics in the front grill of the

Chevrolet Silverado. CEO Rocha noticed four packages wrapped in black electrical tape between both radiators. CEO Rocha was later told that a white powdery substance that field-tested positive for cocaine was discovered in one of the packages.

At approximately 11:35 a.m., U.S. Immigration and Customs Enforcement (ICE) Senior Special Agent (SS/A) Ludovico Bidoglio Jr. and (S/A) Special Agent Carlos Puentes contacted ANDRADE in the San Ysidro POE Security Office and advised him that cocaine had been found in the vehicle and sought ANDRADE's cooperation for a possible controlled delivery. In the presence of S/A Puentes, SS/A Bidoglio advised ANDRADE of his constitutional rights per Miranda in the Spanish language reading directly from a preprinted card. ANDRADE stated that he understood his rights and that he was willing to answer questions.

ANDRADE told agents that he thought the vehicle contained marijuana, and that this was his second (2) time crossing a load of drugs into the United States.

ANDRADE was to drive the vehicle to the Wal-Mart parking lot located on Dennerly Road and Palm Avenue in San Diego, California, where two UNKNOWN HISPANIC MALES driving a late model red or brown Audi would pickup the 1999 Chevrolet pickup bearing license BAMX/BM85420 . ANDRADE would wait an hour, and the two UNKNOWN HISPANIC MALES would pickup the vehicle and return the vehicle to the Wal-Mart parking lot. ANDRADE would then return to Mexico.

ANDRADE agreed to cooperate with DSAC San Ysidro Agents for an attempted controlled delivery. ANDRADE also agreed to wear a transmitter in order to capture any conversations he had with the UNKNOWN HISPANIC MALES concerning the delivery of the Chevrolet pickup. Agents also placed a vehicle tracker on the Chevrolet Pickup.

At approximately 12:45 p.m., DSAC San Ysidro Agents set up surveillance of the Wal-Mart Shopping Center. ANDRADE parked the vehicle and entered the Wal-Mart Shopping Center. Agents followed him inside the store and escorted him outside. ANDRADE said that the UNKNOWN HISPANIC MALES would call him from an unknown cell phone.

For approximately one (1) hour, agents waited for the UNKNOWN HISPANIC MALES to call ANDRADE. ANDRADE said that if the UNKNOWN HISPANIC MALES did not pick up the vehicle at the Wal-Mart Shopping Center, ANDRADE was to drop off the vehicle at the UETA Duty Free Store located on Camino De La Plaza in San Diego, CA. The UETA Duty Free is located adjacent to the U.S./Mexico Border.

At approximately 2:15 p.m., agents drove ANDRADE and the 1999 Chevrolet pickup bearing license BAMX/BM85420 to the corner of Virginia Street and Camino de La Plaza in San Diego, CA. S/A Bidoglio and Puentes instructed

ANDRADE to go straight to the UETA Duty Free Parking Lot and park the vehicle. ANDRADE was repeatedly told by SS/A Bidoglio and S/A Puentes to not try evading to Mexico. SS/A Bidoglio and S/A Puente, who were also in SS/A John Todd's vehicle, followed ANDRADE to the UETA Duty Free Parking Lot.

At approximately 2:45 p.m., ANDRADE, without the consent of DSAC San Ysidro Agents, tried to abscond to Mexico. SS/A John Todd activated his emergency equipment and siren and attempted to stop ANDRADE. ANDRADE began to drive erratically and attempted to hit SS/A Todd's vehicle in order to avoid apprehension. ANDRADE fled into Mexico, almost striking a Mexican Customs Official. ANDRADE was later apprehended by Mexican Police Officials.

ANDRADE is being charged with 21 USC 952 and 960, Importation of a Controlled Substance, specifically cocaine, and 18 USC 111, Assault on Federal Officers.